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5 Steps
in
Starting a Court A&D Program
(per Rules for Court-Administered Alcohol and Drug Programs)

- Step 1.** Complete preliminary considerations & initiate initial IJC coordination per Sec. 7(f).
- Step 2.** Initiate & complete initial coordination with IJC per Sec. 7(g)&(h).
- Step 3.** Obtain approval of the legislative and appropriate body per Sec. 7(i).
- Step 4.** Obtain a 180-day provisional certificate of approval from IJC per Sec. 7(l).
- Step 5.** Submit to a certification review per Sec. 7(m).

NOTE: A Program Resource Book is available with sample forms, letters, and materials that are required. These documents are available on the IJC website; www.in.gov/judiciary/center. Also, IJC staff will assist court programs in preparing for their IJC site visit and certification.

Detailed Information

Step 1

Complete Preliminary Considerations: **Judge needs to:**

- A. decide on type of program
- B. acquire local support of County Council
- C. acquire facilities & hire a Director
- D. have Director coordinate with IJC & develop required procedures and materials

Sec. 7(f). The applicant shall submit the following to the IJC:

- (1) a letter requesting approval of the establishment of a court-administered alcohol and drug services program;
- (2) the completed application form and any supporting documents; and
- (3) a policy and procedures manual developed in accordance with these rules.

Step 2

Sec. 7(g). Upon receipt of all required documents, the IJC will review the materials submitted. The IJC may conduct an on-site visit to determine whether all requirements for certification have been met. The IJC may offer recommendations or suggest corrections as necessary and appropriate.

Sec. 7(h). The IJC must determine if a sponsoring court's request for approval of the establishment of a court-administered alcohol and drug services program should be granted or denied. If the IJC finds that the applicant is in compliance with all applicable requirements, the IJC must provide the applicant with a written statement approving the establishment of the court's alcohol and drug services program and the plans for its operation. The IJC may deny the request for approval for any reason enumerated in Section 11. If the IJC determines that the request for approval of the establishment of a program should be denied, the IJC must observe the procedures required in Section 10 for denial of an application for certification.

5 Steps in Starting a Court A&D Program Detailed Information (continued)

Step 3

Sec. 7(i). After a sponsoring court has received a written statement from the IJC approving the establishment of the court's alcohol and drug services program and the plans for its operation, **the court may then petition the legislative and appropriating body** from which it derives its funds for final approval of the proposed program. Upon approval by the legislative and appropriating body, by written order or resolution, the court-administered alcohol and drug services program is established. Upon establishment of the program, the sponsoring court:

- (1) shall establish such procedures as are required by IC 12-23-14 and directives and guidelines of the state board of accounts concerning the receipt of, accountability for, and disbursement of, fees collected and other revenue or monies received pursuant to IC 12-23-14-16; and
- (2) may set and require the assessment and collection of the fees authorized by IC 12-23-14-16.

Step 4

Sec. 7(l). The IJC may issue a provisional certificate of approval authorizing the program to begin the delivery of services after the program's application has been favorably reviewed and the site visit has been made. Provisional approval is valid for one hundred eighty (180) days of operation during which the IJC will review the program's actual delivery of services and record keeping practices.

Step 5

Sec. 7(m). Except as provided for in subsection (h) and (j), the IJC shall approve a properly completed and documented application for the establishment of a court-administered alcohol and drug services program and its plan for operation and provide the sponsoring court with a written statement of its approval if the court has demonstrated the following:

- (1) The services required to be performed by a court-administered alcohol and drug services program by IC 12-23-14 and these rules will be provided.
- (2) Based on the program's policies, procedures, practices, and staff, the program has the capability to provide services proposed.
- (3) Adequate revenues and other resources will be provided to support the program and its services.
- (4) The services of the program will be delivered through methods likely to assure that clients of the program will benefit.
- (5) The court and its program will be operated in compliance with the requirements of IC 12-23-14 and these rules and other applicable federal and state laws.

Section 7 Summary

Administration – Sec. 7(a)-(e)

Sections 7(f)-(i) – Listed above

Revocation/Denial – Sec. 7(j)-(k)

Sections 7(l)-(m) – Listed above

Certification – Sec. 7(n)-(o)

Sec. 7(n). After all requirements in subsection 7(m) have been met by the applicant, the IJC shall issue a certificate of approval. The certificate is valid for a period of three (3) years.

Sec. 7(o). The IJC may issue a one (1) year certificate of approval if the result of the initial certification review is that:

- (1) one (1) or more certification areas are rated unsatisfactory; and
- (2) continued program operations do not appear to present an imminent danger to the welfare of the program's clients or to public health or safety.

To continue operation beyond one (1) year, a program with a one (1) year certificate must undergo another full certification review within one (1) year from the date the certificate is issued.